

AFFIDAVIT OF JOE DALE "J. D." MARTINEZ

BEFORE ME, the undersigned authority, appeared, Joe Dale "J. D." Martinez known by me to be the person whose name is subscribed to this Affidavit, who, being duly sworn by me, testified as follows:

My name is Joe Dale "J. D." Martinez. I am over the age of twenty-one, of sound mind and am competent to make this affidavit, have personal knowledge of the facts contained herein, and they are true and correct.

I live at 1005 Dolphin Place, Corpus Christi, Texas 78411.

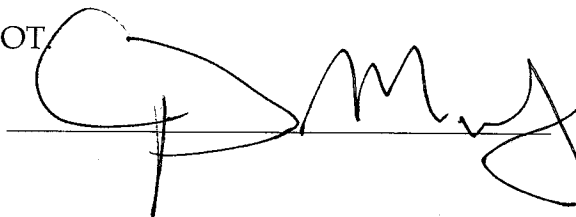
I worked for the Refinery Terminal Fire Company (hereinafter "RTFC") for approximately fifteen (15) years from May 1995 until April 2010. During the time that I worked at the RTFC, I was a "salaried non-exempt" employee paid based on an hourly rate. For all pay after forty (40) hours, I was not paid the federally mandated time and a half pursuant to the Fair Labor Standards Act.

While working at the RTFC I was paid at multiple rates depending on the form of overtime I was performing.

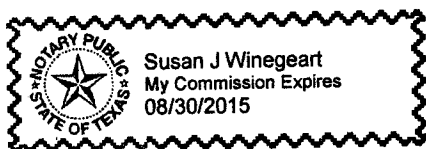
The RTFC paid me, as I understand all employees, overtime over forty (40) hours that was prescheduled at a rate less than 1.5 regular pay rate.

For additional time worked (hereinafter "ATW"), which was worked performed in addition to scheduled overtime and regular scheduled time I, as well as all other employees of the RTFC to my knowledge, were paid at a rate less than 1.5 times the regular rate pay.

FURTHER AFFIANT SAYETH NOT

A handwritten signature in black ink, appearing to be 'C. M. J.', written over a horizontal line.

9th SWORN TO AND SUBSCRIBED before me the undersigned authority on this the
day of September 2011.



Susan J. Winegeart
NOTARY PUBLIC